

Adopted	Rejected
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COMMITTEE REPORT

YES:	18
NO:	0

MR. SPEAKER:

*Your Committee on Ways and Means, to which was referred House Bill 1121, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 33-33-15-2 IS AMENDED TO READ AS
- 4 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) There ~~is~~ **are**
- 5 established ~~a court~~ **two (2) courts** of record to be known as the:
- 6 **(1) Dearborn superior court No. 1; and**
- 7 **(2) Dearborn superior court No. 2.**
- 8 (b) ~~The Each~~ Dearborn superior court is a standard superior court
- 9 as described in IC 33-29-1.
- 10 (c) Dearborn County comprises the judicial district of ~~the each~~ **each**
- 11 superior court.
- 12 SECTION 2. IC 33-33-15-3 IS AMENDED TO READ AS
- 13 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. ~~The Each~~ Dearborn
- 14 superior court has one (1) judge who shall hold sessions in:
- 15 **(1) the Dearborn County courthouse in Lawrenceburg; or in**

(2) other places in the county as the Dearborn County executive may provide.

SECTION 3. IC 33-33-15-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. In addition to a bailiff and an official court reporter for the court appointed under IC 33-29-1-5, ~~the~~ **each** judge may appoint a referee, a commissioner, or other personnel as the judge considers necessary to facilitate and transact the business of the court. The salary of a referee, a commissioner, or other person:

(1) shall be fixed in the same manner as the salaries of the personnel for the Dearborn circuit court; and

(2) shall be paid monthly out of the treasury of Dearborn County as provided by law.

Personnel appointed under this section or IC 33-29-1-5 continue in office until removed by the judge of the court **for which the personnel were appointed.**

SECTION 4. IC 33-33-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Except as provided in subsection (b), ~~the~~ **each** Dearborn superior court has the same jurisdiction as the Dearborn circuit court.

(b) The Dearborn circuit court has exclusive juvenile jurisdiction.

SECTION 5. IC 33-33-15-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. ~~The~~ **Each** Dearborn superior court has a standard small claims and misdemeanor division.

SECTION 6. IC 33-33-17-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) There ~~is~~ **are** established ~~a court~~ **two (2) courts** of record to be known as the:

(1) DeKalb superior court **No. 1; and**

(2) **DeKalb superior court No. 2.**

(b) ~~The~~ **Each** DeKalb superior court is a standard superior court as described in IC 33-29-1.

(c) DeKalb County comprises the judicial district of ~~the~~ **each** superior court.

SECTION 7. IC 33-33-17-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. ~~The~~ **Each** DeKalb superior court has one (1) judge who shall hold sessions in:

(1) the DeKalb County courthouse in Auburn; or

(2) other places in the county as the board of county

commissioners of DeKalb County may provide.

SECTION 8. IC 33-33-17-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) If:

(1) the clerk of the circuit court of DeKalb County receives the transcript of the original papers in a civil action or proceeding received by the clerk of the circuit and superior courts of DeKalb County on a change of venue from another county; contains and (2) the papers described in subdivision (1) contain an order of the court from which venue was changed designating the circuit court or one (1) of the superior court courts as the court to which the case is to be transferred;

the clerk shall file the action or proceeding on the docket of the designated court.

(b) If:

(1) the clerk of the circuit court of DeKalb County receives the transcript of the original papers in a civil action or proceeding does on a change of venue from another county; and

(2) the papers described in subdivision (1) do not contain an order designating the court to which the case is to be transferred; the clerk shall alternately file each action or proceeding on the docket of the circuit court ~~and or~~ the docket of **one (1) of the superior court courts**, depending on the order and sequence in which the papers of the cases reach the clerk, so that if the first case is assigned to the circuit court, the next must be assigned to the superior court **No. 1, and the next must be assigned to the superior court No. 2.**

SECTION 9. IC 33-33-17-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. ~~The Each~~ DeKalb superior court has the same jurisdiction as the DeKalb circuit court.

SECTION 10. IC 33-33-17-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. ~~The Each~~ DeKalb superior court has a standard small claims and misdemeanor division.

SECTION 11. IC 33-33-29-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) There are established ~~five (5)~~ **six (6)** superior courts of record to be known as the:

(1) Hamilton superior court No. 1; the

(2) Hamilton superior court No. 2; the

(3) Hamilton superior court No. 3; the

(4) Hamilton superior court No. 4; and the

1 **(5) Hamilton superior court No. 5; and**

2 **(6) Hamilton superior court No. 6.**

3 (b) Except as otherwise provided in this chapter, each Hamilton
4 superior court is a standard superior court as described in IC 33-29-1.

5 (c) Hamilton County constitutes the judicial district of each court.

6 SECTION 12. IC 33-33-29-8 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. The:

8 **(1) Hamilton superior court No. 4; and the**

9 **(2) Hamilton superior court No. 5; and**

10 **(3) Hamilton superior court No. 6;**

11 **each have a standard small claims and misdemeanor division."**

12 Page 1, between lines 5 and 6, begin a new paragraph and insert:

13 "SECTION 14. IC 33-33-62-2 IS ADDED TO THE INDIANA
14 CODE AS A NEW SECTION TO READ AS FOLLOWS
15 [EFFECTIVE JULY 1, 2005]: **Sec. 2. (a) There is established a court**
16 **of record to be known as the Perry superior court.**

17 **(b) The Perry superior court is a standard superior court as**
18 **described in IC 33-29-1.**

19 **(c) Perry County comprises the judicial district of the court.**

20 SECTION 15. IC 33-33-62-3 IS ADDED TO THE INDIANA
21 CODE AS A NEW SECTION TO READ AS FOLLOWS
22 [EFFECTIVE JULY 1, 2005]: **Sec. 3. The Perry superior court has**
23 **one (1) judge who shall hold sessions in:**

24 **(1) the Perry County courthouse in Tell City; or**

25 **(2) other places in the county as the board of county**
26 **commissioners of Perry County may provide.**

27 SECTION 16. IC 33-33-62-4 IS ADDED TO THE INDIANA
28 CODE AS A NEW SECTION TO READ AS FOLLOWS
29 [EFFECTIVE JULY 1, 2005]: **Sec. 4. The Perry superior court has**
30 **the same jurisdiction as the Perry circuit court.**

31 SECTION 17. IC 33-33-62-5 IS ADDED TO THE INDIANA
32 CODE AS A NEW SECTION TO READ AS FOLLOWS
33 [EFFECTIVE JULY 1, 2005]: **Sec. 5. The Perry superior court has**
34 **a standard small claims and misdemeanor division.**

35 SECTION 18. IC 33-33-84-3 IS AMENDED TO READ AS
36 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. There is established
37 a court of record to be known as the Vigo superior court. The superior
38 court has ~~four (4)~~ **five (5)** judges who shall hold their office for six (6)

1 years and until their successors have been elected and qualified.

2 SECTION 19. IC 33-33-17-5 IS REPEALED [EFFECTIVE JULY
3 1, 2005].

4 SECTION 20. [EFFECTIVE JULY 1, 2005] (a) **Notwithstanding**
5 **the amendment of IC 33-33-15 by this act, the Dearborn superior**
6 **court No. 2 is not established until January 1, 2006.**

7 (b) **The governor shall appoint a person under IC 3-13-6-1(c) to**
8 **serve as the initial judge of the Dearborn superior court No. 2**
9 **established by IC 33-33-15-2, as amended by this act, before**
10 **January 1, 2006.**

11 (c) **The term of the initial judge appointed under subsection (b)**
12 **begins January 1, 2006, and ends December 31, 2006.**

13 (d) **The initial election of the judge of the Dearborn superior**
14 **court No. 2 is the general election on November 7, 2006. The term**
15 **of the initially elected judge begins January 1, 2007.**

16 (e) **This SECTION expires January 2, 2007.**

17 SECTION 21. [EFFECTIVE JULY 1, 2005] (a) **Notwithstanding**
18 **the amendment of IC 33-33-17 by this act, the DeKalb superior**
19 **court No. 2 is not established until January 1, 2006.**

20 (b) **The governor shall appoint a person under IC 3-13-6-1(c) to**
21 **serve as the initial judge of the DeKalb superior court No. 2 added**
22 **by IC 33-33-17-2, as amended by this act.**

23 (c) **The term of the initial judge appointed under subsection (b)**
24 **begins January 1, 2006, and ends December 31, 2006.**

25 (d) **The initial election of the judge of the DeKalb superior court**
26 **No. 2 is the general election on November 7, 2006. The term of the**
27 **initially elected judge begins January 1, 2007.**

28 (e) **Notwithstanding the repeal of IC 33-33-17-5 by this act, the**
29 **part-time small claims referee appointed under IC 33-33-17-5 shall**
30 **continue to assist the DeKalb superior court in the exercise of its**
31 **small claims jurisdiction until December 31, 2005.**

32 (f) **This SECTION expires January 2, 2007.**

33 SECTION 22. [EFFECTIVE JULY 1, 2005] (a) **Notwithstanding**
34 **IC 33-33-29-2, as amended by this act, the Hamilton superior court**
35 **No. 6 is not established until January 1, 2007.**

36 (b) **Notwithstanding IC 33-33-29-8, as amended by this act, the**
37 **Hamilton superior court No. 6 does not have a standard small**
38 **claims and misdemeanor division until January 1, 2007.**

1 (c) The initial election of the judge of the Hamilton superior
2 court No. 6 established in IC 33-33-29-2, as amended by this act, is
3 the general election on November 7, 2006. The term of the initially
4 elected judge begins January 1, 2007.

5 (d) This SECTION expires January 2, 2007."

6 Page 2, after line 1, begin a new paragraph and insert:

7 "SECTION 24. [EFFECTIVE JULY 1, 2005] (a) Notwithstanding
8 IC 33-33-62-2, as added by this act, the Perry superior court is not
9 established until January 1, 2006.

10 (b) The governor shall appoint a person under IC 3-13-6-1(c) to
11 serve as the initial judge of the Perry superior court established by
12 IC 33-33-62-2, as added by this act.

13 (c) The term of the initial judge appointed under subsection (b)
14 begins January 1, 2006, and ends December 31, 2006.

15 (d) The initial election of the judge of the Perry superior court
16 is the general election on November 7, 2006. The term of the
17 initially elected judge begins January 1, 2007.

18 (e) This SECTION expires January 2, 2007.

19 SECTION 25. [EFFECTIVE JULY 1, 2005] (a) Notwithstanding
20 IC 33-33-84-3, as amended by this act, the Vigo superior court is
21 not expanded to five (5) judges until January 1, 2006.

22 (b) The governor shall appoint a person under IC 3-13-6-1(c) to
23 serve as the initial judge added to the Vigo superior court by
24 IC 33-33-84-3, as amended by this act.

25 (c) The term of the initial judge appointed under subsection (b)
26 begins January 1, 2006, and ends December 31, 2006.

27 (d) The initial election of the judge of the Vigo superior court
28 added by IC 33-33-84-3, as amended by this act, is the general
29 election in November 2006. The term of the initially elected judge

- 1 **begins January 1, 2007.**
- 2 **(e) This SECTION expires January 2, 2007."**
- 3 Renumber all SECTIONS consecutively.
 (Reference is to HB 1121 as printed January 28, 2005.)

and when so amended that said bill do pass.

Representative Ayres